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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
DIVISION

FILED

OCT 30 2017

U.S. DISTRICT COURT
EASTERN DISTRICT OF MO
ST. LOUIS

LAUTHA V. ANDERSON SR. # 512937

(Enter above the full name of the
Plaintiff in this action. Include prison
registration number.)

v.

CHANTAY GODERT; SUPERINTENDENT

ROBERT HENDERSON

TAYLOR PRESTON

[REDACTED]

MISSOURI DEPARTMENT OF CORRECTIONS

(Enter above the full name of ALL Defend-
ant(s) in this action. Fed. R. Civ. P. 10(a)
requires that the caption of the complaint
include the names of all the parties. Merely
listing one party and "et al." is insufficient.
Please attach additional sheets if necessary.)

4:17CV2659 AGF

Case No. _____
(To be assigned by Clerk)

"JURY TRIAL DEMANDED"

In what capacity are you suing the
defendants?

- ☒ Official
☐ Individual
☐ Both

PRISONER CIVIL RIGHTS COMPLAINT UNDER 42 U.S.C. § 1983

I. PLACE OF PRESENT CONFINEMENT:

FARMINGTON, CORR. CENTER

II. PREVIOUS CIVIL ACTIONS:

- A. Have you brought any other civil actions in state or federal court dealing with the
same facts involved in this action or otherwise relating to your confinement?

YES []

NO [X]

- B. If your answer to "A" is YES, describe the action(s) in the space below. If there is more than one action, you must describe the additional action(s) on a separate piece of paper, using the same format as below.

1. Parties to previous civil action:

Plaintiff: N/A

N/A

Defendant(s): N/A

2. Court where filed: N/A

3. Docket or case number: N/A

4. Name of Judge: N/A

5. Basic claim made: N/A

6. Present disposition (Is the case still pending? Is it closed? If closed, was it appealed?):

N/A

III. GRIEVANCE PROCEDURES:

A. Is there a prisoner grievance procedure at the institution in which you are incarcerated?

YES ☒ NO ☐

B. Have you presented this grievance system the facts which are at issue in this complaint?

YES ☒ NO ☐

C. If your answer to "B" is YES, what steps did you take: I filed AN I.R.R.,
THEN A GRIEVANCE, THEN A GRIEVANCE APPEAL

D. If your answer to "B" is NO, explain why you have not used the grievance system:

N/A

IV. PARTIES TO THIS ACTION:

A. Plaintiff

1. Name of Plaintiff: LAUTHA ANDERSON SR
2. Plaintiff's address: FARMINGTON, MO. 63640 1012 W. COLUMBIA ST.
3. Registration number: 512937

B. Defendant(s)

1. Name of Defendant: CHANTAY GODERT
2. Defendant's address: NORTH. EAST. CORRECTIONAL CENTER.
3. Defendant's employer and job title: SUPERINTENDENT (ACTING)
4. Additional Defendant(s) and address(es): ROBERT HENDERSON (COM-
MITTEE CHAIR) TAYLOR PRESTON (MEMBER) ~~REDACTED~~
ALL AT NORTH. EAST. CORRECTION CENTER, MISSOURI DEPT OF CORZ.

V. COUNSEL

A. Do you have an attorney to represent you in this action?

YES []

NO [X]

B. If your answer to "A" is NO, have you made an effort to contact an attorney to represent you in this matter?

YES [X]

NO []

C. If your answer to "B" is YES, state the name(s) and address(es) of the attorneys you contacted and the results of those efforts:

ERIC ABRAMSON, ESQ. 4456 NATURAL BRIDGE AVE.
ST. LOUIS, MO. 63115

D. If your answer to "B" is NO, explain why you have not made such efforts:

N/A

E. Have you previously been represented by counsel in a civil action in this Court?

YES []

NO [X]

F. If your answer to "E" is YES, state the attorney's name and address:

N/A

- VI. Statement of claim (State as briefly as possible the facts of your case. Describe how each defendant is involved. You must state exactly what each defendant personally did, or failed to do, which resulted in harm to you. Include also the names of other persons involved, dates, and places. Be as specific as possible. State your claims in numbered paragraphs. You may use additional paper if necessary):

ON 11/18/16 WHILE IN ADMINISTRATIVE SEGREGATION AT THE NORTH EAST CORRECTION CENTER, UNDER INVESTIGATION FOR (2) CONSPIRACY TO INTRODUCE NARCOTICS IN A CORRECTIONAL CENTER, STAFF MEMBERS AT THIS INSTITUTION CAME TO MY CELL AND TOLD ME TO PACK MY PROPERTY BECAUSE I WAS BEING RELEASED FROM THE HOLE. I TOLD THE C.O. THAT I COULD NOT POSSIBLY BE GETTING OUT OF THE HOLE BECAUSE OF THE INVESTIGATION I WAS UNDER FOR (2) MAJOR CONDUCT VIOLATIONS, AND FURTHERMORE I NEVER PARTICIPATED IN ANY ADMINISTRATIVE SEGREGATION HEARING, NOR DID I SIGN ANY PROTECTIVE CUSTODY NEEDS ASSESSMENT/WAIVER FORMS. A SGT RUBINO THEN CAME TO MY CELL DOOR AND TOLD ME THAT I HAD TO LEAVE MY CELL AND GO TO GENERAL POPULATION OR I WOULD RECEIVE A CONDUCT VIOLATION FOR DISOBEYING A DIRECT ORDER. I EXPLAINED MY SITUATION TO SGT RUBINO AND TOLD HER THAT SOMEBODY MADE A MISTAKE AND SHE TOLD ME TO TAKE IT UP WITH THE CASEWORKER IN GENERAL POPULATION, BUT I WAS LEAVING MY CELL ONE WAY OR ANOTHER. SHE THEN THREATENED ME AGAIN WITH A CONDUCT VIOLATION IF I DID NOT PACK MY PROPERTY AND LEAVE MY CELL. I THEN TOLD HER THAT I DID NOT WANT TO GO TO GENERAL POPULATION BECAUSE THERE WAS A RUMOR (CONTINUED SEE NEXT PAGES)

out that I was switching to try to get out of my situation. She then told me she didn't care about what I was saying, she needed my cell and didn't have any other cells to put me in. And this was the last time she would tell me to pack my property and leave the cell. As I exited my cell, I again told Sgt. Rubino that I did not participate in any Administrative Segregation hearing to agree to go to general population (SEE EXHIBIT A) and I have the right to go to Protective Custody or stay in the hole. By law, By D.O.C. S.O.P., I have to sign a Protective Custody Needs Assessment/Waiver (SEE EXHIBIT B) before I can be placed in General Population, I never was given a chance to sign one.

Furthermore, nowhere in the D.O.C. can an offender be in general population while under investigation for (2) major violations.

The Ad Seg team was in error by releasing me from Ad Seg. They were negligent in their duties because they failed to gather the proper information when they held my Ad Seg hearing.

On 11/20/16 while going to the dinner meal, I was approached by several offenders who was associated with the "White Supremacist Prison gang" Family Values. One of them asked

ME ABOUT A GUY WHO WAS UNDER THE SAME INVESTIGATION THAT I AM, AND I TOLD THEM THAT I DIDN'T KNOW ANYTHING. THE SAME GUY CLAIMED THAT SOME STAFF MEMBERS WERE SAYING THAT I WAS SWITCHING TO TRY TO GET OUT OF MY SITUATION AND ALSO HOW WAS I ON THE YARD (GENERAL POPULATION) WHEN EVERYBODY ELSE WAS STILL IN THE HOLE. I AGAIN TOLD HIM THAT I DIDN'T KNOW ANYTHING, AND I PROCEEDED TO WALK TOWARD THE CHOW HALL. WHEN I GOT TO THE CHOW HALL DOOR, I FELT SOMETHING HOT CREASE MY NECK, BUT I DID NOT KNOW THAT MY THROAT WAS CUT UNTIL I SAT DOWN TO EAT MY MEAL AND A OFFENDER AT THE TABLE I WAS SITTING AT TOLD ME THAT MY NECK WAS BLEEDING BADLY.

I GOT UP AND EXITED THE CHOW HALL AND RAN TO MY HOUSING UNIT, THEN TO MY CELL. I LOOKED AT MY THROAT SLICED OPEN AND I WAS TERRIFIED. I HAD NEVER BEEN MORE SCARED IN MY LIFE. I DID NOT REPORT THE INCIDENT BECAUSE I WAS IN FEAR OF MY LIFE AND DID NOT KNOW IF I COULD TRUST ANY STAFF BEING AS THOUGH THEY HAD ALLEGEDLY PUT THE WORD OUT THAT I WAS A SNITCH. SO I STAYED IN MY CELL, SCARED TO DEATH, ANXIOUSLY WAITING FOR THEM TO CALL LOCK-DOWN FOR THE NIGHT.

I WAS IN GREAT PAIN AND MY NECK WOULD NOT STOP BLEEDING SO AT 4:00 A.M. THE NEXT MORNING I ALERTED THE L.T. ABOUT THE WHOLE SITUATION. I THEN WENT TO THE MEDICAL UNIT (SEE EXHIBITS C & D), WHERE MY NECK WOUND WAS ATTENDED TO BY NURSE HEATHER SWAPES. I WAS THEN ESCORTED BACK TO THE HIDE (SEGREGATION UNIT), WHERE A L.T. TOOK PICTURES OF MY NECK WOUND.

THE STAFF IN THE SEGREGATION UNIT WERE NEGLIGENT IN THEIR DUTIES AND HAD NO REGARD FOR MY LIFE AND WELL BEING AGAIN BECAUSE ON 11/27/16, (JUST ONE WEEK AFTER I HAD MY THROAT SLIT), I WAS FORCED OUT OF AD SEQ AND FORCED TO GO TO GENERAL POPULATION IN ERROR (SEE EXHIBIT E). THE ERROR WAS ADMITTED TO BY ROXANNE GLASTON (SEE EXHIBIT E), HOWEVER, MY LIFE WAS STILL IN GREAT DANGER.

IN CONCLUSION, I REFUSED TO PARTICIPATE IN MY AD SEQ HEARING CAUSE I KNEW THAT I WOULD ONLY GET MORE AD SEQ TIME DUE TO ME BEING UNDER INVESTIGATION FOR 2 MAJOR C.D.V.'S (SEE EXHIBIT A). THE AD SEQ COMMITTEE CAN NEVER TAKE MY RIGHT TO GO TO PROTECTIVE CUSTODY IF I CHOOSE TO (SEE EXHIBIT B), NOT ACCORDING TO MY

Page 5 E

DUE PROCESS RIGHTS OR MY CONSTITUTIONAL RIGHTS, BUT THEY DID AND FORCED ME TO GO TO GENERAL POPULATION UNDER THREAT OF PUNISHMENT, AND MY THROAT WAS SLICED OPEN (SEE EXHIBIT'S C & D) AND I COULD HAVE DIED AS A RESULT OF THEIR ERROR AND NEGLIGENCE. STANDARD OPERATING PROCEDURE WAS NOT FOLLOWED WHICH COULD HAVE RESULTED IN THE LOSS OF MY LIFE THROUGH NO FAULT OF MY OWN. I REPEATEDLY TRIED TO MAKE THE STAFF AWARE THAT I WAS NOT SUPPOSE TO GET OUT THE HOLE, THEY'RE MAKING A MISTAKE, BUT THEY REFUSED TO LISTEN TO ME OR EVEN CHECK ON THE INFORMATION I WAS GIVING THEM.

HAD THEY (STAFF AT N.E.C.C.) NOT ERRORED AND FORCED ME TO GO TO GENERAL POPULATION, MY THROAT WOULD NOT HAVE BEEN SLICED OPEN.

VII. RELIEF

State briefly and exactly what you want the Court to do for you. Do not make legal arguments. (Note: If you are a state prisoner and you seek from this Court relief that affects the length or duration of your imprisonment, your case must be filed on a § 2254 form.)

I would like the court to make the Missouri
Department of Corrections compensate me for
not protecting me and putting my life in danger
because I could've been killed when my throat was slit
open on 11-20-16.

VIII. MONEY DAMAGES:

A) Do you claim either actual or punitive monetary damages for the acts alleged in this complaint?

YES ☒

NO ☐

B) If your answer to "A" is YES, state below the amount claimed and the reason or reasons you believe you are entitled to recover such money damages:

I would like \$100,000. in actual damages and \$100,000 in
punitive damages because I could've been killed when my
throat was slit on 11-20-16.

IX. Do you claim that the wrongs alleged in the complaint are continuing to occur at the present time?

YES []

NO [☒]

Scuthe Anderson SR

Signature of attorney or pro se Plaintiff

10/25/17

Date

CERTIFICATE OF SERVICE

I HEREBY CERTIFY THAT A COPY OF THE
FOREGOING WAS MAILED TO

CHANTAY GODBERT, ROBERT HENDERSON, TAYLOR PRESTON,
~~CHANTAY GODBERT~~, THE DIRECTOR OF THE MISSOURI DEPT OF CORR.

ON 10-25-17
DATE

Lawtha Anderson SR